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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/771,227

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Frank Venegas JR.

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GIFFORD, KRASS, SPRINKLE, ANDERSON & CITKOWSKI, P.C

PO BOX 7021

TROY, MI 48007-7021

EXAMINER

WENDELL, MARK R

ART UNIT

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3635

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/771,227	Applicant(s) VENEGAS, FRANK	
	Examiner MARK R. WENDELL	Art Unit 3635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 January 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 15-20, 24-26 and 32-36 is/are allowed.
- 6) ☐ Claim(s) 1-14, 21-23 and 27-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 January 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 8-11, 13-14, 21-23, and 27-31 rejected under 35 U.S.C. 103(a) as being unpatentable over Ulmer (US 4609183) in view of Savino (US 4236697). Regarding claims 1-3, 21, 23, 27-28, Ulmer illustrates in Figures 2-3 and discloses throughout the specification a cart corral system comprising:

- A first set of at least two spaced apart vertical rails (RFL and LFL);
- A base support (BF) supporting said first set of vertical rails in an upright position; said base support extending between said first set of vertical rails;
- At least two spaced apart horizontal rails (LFT, LRT, RFT, RRT) removably engaged with said vertical rails and positioned above said base support (BF);
- A second set of at least two spaced apart vertical rails (LRL, RRL) opposite of said first set of vertical rails and removably engaged with said horizontal rails;

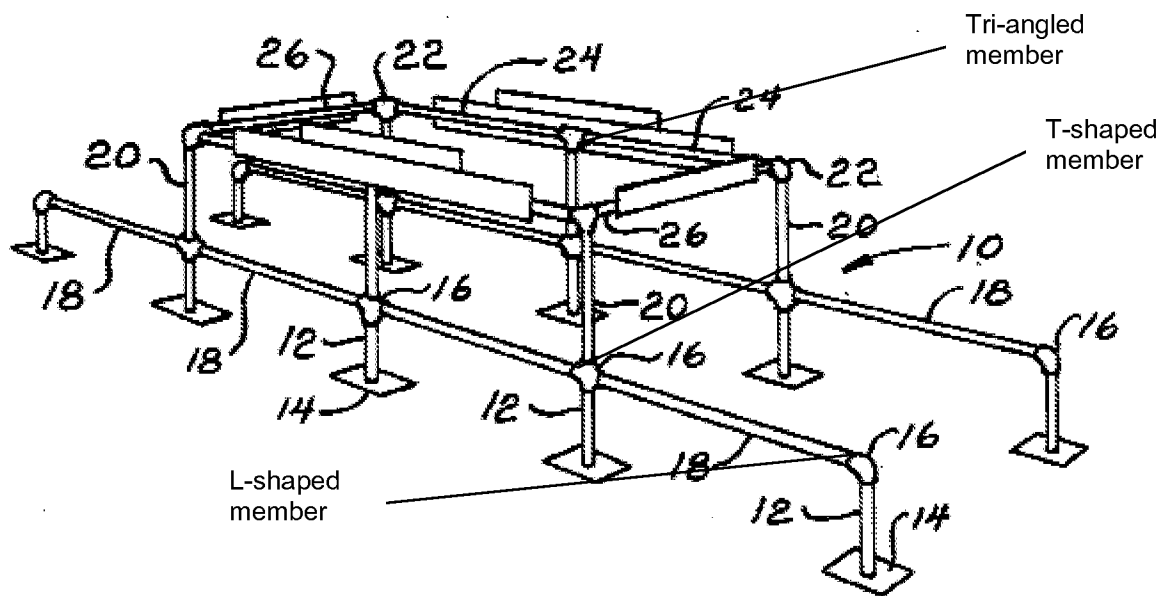
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- Each of said vertical and horizontal rails having an outer diameter and exterior profile (which is inherent to every pipe-shaped object with a thickness);
- A second base support (BR) supporting said second set of vertical rails in an upright position; said second base support extending between said second set of vertical rails;
- Removable and replaceable polymerized sheathing surrounding each of said vertical rails having an interior and exterior diameter, the interior diameter equal to or greater than the outer diameter of said vertical rails and extending the length of said vertical rails;
- Removable and replaceable polymerized sheathing surrounding each of said horizontal rails having an interior and exterior diameter, the interior diameter equal to or greater than the outer diameter of each of said horizontal rails and extending the length of said horizontal rails (The examiner notes that Ulmer's specification lines 1-20 of column 3 states the use of a colored plastic coating surrounding the galvanized steel portions of the cart corral. A plastic coating certainly satisfies the limitation of a polymerized sheathing);

However, the reference does not disclose separable means for attaching the horizontal rails to the vertical rails comprising a T-shaped member formed of polymerized sheathing and having a hollow interior; wherein each leg of said T-shaped member has an interior profile identical to the exterior profile of said horizontal rails and said vertical

rails; said interior profile having a diameter equal to or greater than the exterior diameter of said polymerized sheathing surrounding each of said horizontal rails and said vertical rails. The reference also does not disclose means for separably attaching said horizontal rails to said vertical rails comprising an L-shaped member formed of polymerized sheathing and having a hollow interior; wherein each leg of said L-shaped member has an interior profile identical to the exterior profile of said horizontal rails and said vertical rails; said interior profile having a diameter equal to or greater than the exterior diameter of said polymerized sheathing surrounding each of said horizontal rails and said vertical rails. The reference merely teaches the connection between members as being a loop and fasten connection that can be seen in Figures 2 and 3. It would have been obvious to one having ordinary skill in the art at the time of invention to modify the connection system of the members with that of Savino (see items 16 in Figure 1). Savino discloses in Column 2, lines 3-8 the coupling elements being used because they are threadable and easy to assemble and disassemble. Therefore it would have been obvious to one having ordinary skill in the art to modify the cart corral connections of Ulmer with those of Savino in order to easily and quickly replace members or poles that have been damaged by motor vehicles within the parking lot the assembly resides in (see column 1 of Ulmer). Furthermore, the examiner notes that both references disclose a maintenance-free corral system for storing shopping cart, therefore are considered analogous art.

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Regarding claims 8 and 22, Ulmer illustrates in Figures 2 and 3 comprising a fourth horizontal rail removably engaged with and extending between one of said sets of vertical rails at an angle to said at least two horizontal rails; said fourth horizontal rail positioned above one of said first and second base supports and having an outer diameter;

a removable and replaceable polymerized sheathing surrounding said fourth horizontal rail having an interior diameter equal to or greater than the outer diameter of said horizontal rail and extending the length of said horizontal rail. The examiner notes that any one of LFT, LRT, RFT, or RRT of Ulmer can be considered the fourth horizontal rail since they all extend between the vertical rails at an angle (0 or 90 degrees depending on reference point) and above the base supports.

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Regarding claim 9, it is described above what Ulmer in view of Savino teaches. Ulmer further discloses separable means for attaching additional vertical rails to said first and said second base supports comprising a base support extending from said first and second base supports (BTL and BTR).

Regarding claim 10, Ulmer in view of Savino teaches separable means for attaching the horizontal rails to the vertical rails comprising a T-shaped member formed of polymerized sheathing and having a hollow interior; wherein each leg of said T-shaped member has an interior profile identical to the exterior profile of said horizontal rails and said vertical rails; said interior profile having a diameter equal to or greater than the exterior diameter of said polymerized sheathing surrounding each of said horizontal rails and said vertical rails (See above Figure). Savino fails to disclose a specific material in which the member is made from; however Ulmer discloses all parts of the cart corral being made of steel covered with a colored plastic sheathing.

Regarding claim 11, Ulmer in view of Savino teaches means for separably attaching said horizontal rails to said vertical rails comprising an L-shaped member formed of polymerized sheathing and having a hollow interior; wherein each leg of said L-shaped member has an interior profile identical to the exterior profile of said horizontal rails and said vertical rails; said interior profile having a diameter equal to or greater than the exterior diameter of said polymerized sheathing surrounding each of said horizontal rails and said vertical rails. (See above Figure). Savino fails to disclose a specific material in

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which the member is made from; however Ulmer discloses all parts of the cart corral being made of steel covered with a colored plastic sheathing.

Regarding claims 13-14, 29-31, Ulmer in view of Savino teaches means for attaching additional horizontal and vertical rails (16 of Savino) to said first and said second set of vertical rails comprising a quad-angled (or multi-angled) member (T-shaped member as shown in the above Figure) formed of polymerized sheathing (see above rationale) and having a hollow interior; wherein each leg of said quad-angled member extends simultaneously in planes to support said additional horizontal rail and vertical rails to said first and said second set of vertical rails; said interior having a diameter equal to or greater than the exterior diameter of said polymerized sheathing surrounding each of said first and said second set of vertical rails. The examiner further notes that Savino illustrates (see above Figure tri-angled connection members that exhibit the same characteristics and limitations described above.

Claims 4-7 and 12 rejected under 35 U.S.C. 103(a) as being unpatentable over Ulmer (US 4609183) in view of Savino (US 4236697) as applied to claim 1 and 9 above, and further in view of Cruwell, Jr. (US 5201426). Regarding claim 4, it is described above what is disclosed by Ulmer in view of Savino; however the references do not disclose a third horizontal rail removably engaged and extending between a second set of vertical rails. Ulmer illustrates in Figures 2 and 3 a chain (CHR, CHL) that is removably engages and extending between the vertical rails. Cruwell illustrates in Figure 1 a rail

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(16) removably attached to the vertical rails (14 and 15). It would have been obvious to one having ordinary skill in the art at the time of invention to replace the chain (CHR) of Ulmer with the solid rail of Cruwell in order to have a rigid, more stable beam in place to keep a larger amount of carts from escaping the cart corral and damaging surrounding vehicles or people.

Regarding claims 5 and 12, Ulmer in view of Savino teaches means for attaching additional horizontal and vertical rails (16 of Savino) to said first and said second set of vertical rails comprising a quad-angled (or multi-angled) member (T-shaped member as shown in the above Figure) formed of polymerized sheathing (see above rationale) and having a hollow interior; wherein each leg of said quad-angled member extends simultaneously in planes to support said additional horizontal rail and vertical rails to said first and said second set of vertical rails; said interior having a diameter equal to or greater than the exterior diameter of said polymerized sheathing surrounding each of said first and said second set of vertical rails. The examiner further notes that Savino illustrates (see above Figure tri-angled connection members that exhibit the same characteristics and limitations described above.

Regarding claim 6, Ulmer in view of Savino teaches separable means for attaching the horizontal rails to the vertical rails comprising a T-shaped member formed of polymerized sheathing and having a hollow interior; wherein each leg of said T-shaped member has an interior profile identical to the exterior profile of said horizontal rails and

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said vertical rails; said interior profile having a diameter equal to or greater than the exterior diameter of said polymerized sheathing surrounding each of said horizontal rails and said vertical rails (See above Figure). Savino fails to disclose a specific material in which the member is made from; however Ulmer discloses all parts of the cart corral being made of steel covered with a colored plastic sheathing.

Regarding claim 7, Ulmer in view of Savino teaches means for separably attaching said horizontal rails to said vertical rails comprising an L-shaped member formed of polymerized sheathing and having a hollow interior; wherein each leg of said L-shaped member has an interior profile identical to the exterior profile of said horizontal rails and said vertical rails; said interior profile having a diameter equal to or greater than the exterior diameter of said polymerized sheathing surrounding each of said horizontal rails and said vertical rails. (See above Figure). Savino fails to disclose a specific material in which the member is made from; however Ulmer discloses all parts of the cart corral being made of steel covered with a colored plastic sheathing.

Allowable Subject Matter

Claims 15-20, 24-26 and 32-36 are allowed.

The following is an examiner's statement of reasons for allowance: The limitation "a third horizontal rail **extending between the third set of at least two spaced apart vertical rails**, each of said vertical and horizontal rails having an outer diameter and

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exterior profile” could not be found in the prior art of record. Although horizontal rails are placed between various vertical rails within the cited prior art, it would go against the function of the invention to place a horizontal rail between vertical rails PL and PR of Ulmer which is closest prior art of record to the instant application. Placement of a horizontal rail between these rails would hinder the placement of carts within the cart corral apparatus.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARK R. WENDELL whose telephone number is (571)270-3245. The examiner can normally be reached on Mon-Fri, 7:30AM-5PM, Alt. Fri off, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Richard Chilcot can be reached on (571) 272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Richard E. Chilcot/
Supervisory Patent Examiner, Art
Unit 3635

/M. R. W./
Examiner, Art Unit 3635
June 18, 2008